

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2019

SEAN F. MCVOY, CLERK

Emily Louise Hernandez-Stepney

Petitioner,

VS

United States of America

Respondent,

1:14-cr-02100-SAB-2

MOTION FOR CONSIDERATION TO AMEND
AND STAY OF ORIGINAL
28 U.S.C. § 2255 MOTION

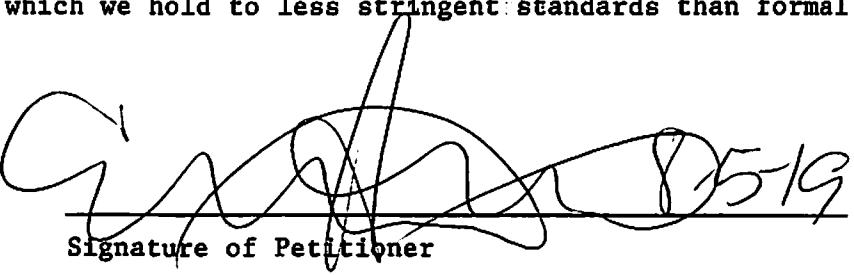
Comes Now, Emily Louise Hernandez-Stepney, Petitioner, to bring before this Honorable Court a "Motion for Consideration to Amend and Stay of Original 28 U.S.C. § 2255 Motion". Pursuant to Fed. R. Civ. P. 15 in conformity with R. Governing §2255 Proc. 12, to Original Motion No. 1:16-cv-03158-SAB. Petitioner is an incarcerated female prisoner whom requests Consideration to Amend and Stay for the following reasons;

1. Petitioner is a layman in law with no formal training or education in legal matters and therefore at a severe disadvantage to competently submit any intelligently construed motions or legal documents.
2. Petitioner's Original Motion, No. 1:16-cv-03158-SAB, was timely filed, September 01, 2016. However due to reason one (1) her motion was defectively constructed by failing to state her claims under her Ineffective Assistance of Counsel ground(s).
3. Petitioner seeks to solely correct the Original Motion on it's face from defectiveness, not add additional grounds, pursuant to Fed. R. Civ. P. 15.
4. Petitioner was not furnished Discovery documents from appointed counsel to review and ascertain how she have been deprived of any Constitutional Rights throughout her criminal proceedings. Only upon receiving documented copies via a Freedom Of Information/Privacy Act Request, Case No. 17-00009-PR, from the Drug Enforcement Agency [originally submitted to the United States District Attorneys, in Yakima, Washington, whom forwarded the request to the DEA] on or around December 14, 2016, was petitioner able to diligently but minimally assess how she may have been prejudiced by appointed counsel's performance. At which point her Original Motion had already been denied on October 28, 2016.

Therefore, for all the foregoing reasons, Petitioner prays this Honorable Court will grant her "Motion for Consideration to Amend and Stay of Original 28 U.S.C. § 2255 Motion"

Pursuant to Fed. R. Civ. R. 15 in conformity with R. Governing §2255 Proc. 12 to Original Motion No. 1:16-cv-03158-SAB.

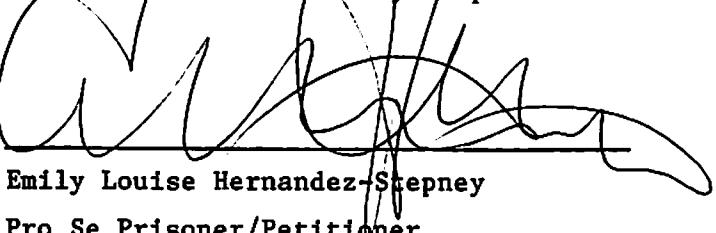
Respectfully submitted this 5th day of August, 2019 under penalty of perjury that the foregoing is true and correct, and the mandates of Haines v Kerner, 404 US 519 "allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers,".



Signature of Petitioner

CERTIFICATE OF SERVICE

I certify that the following document, MOTION FOR CONSIDERATION TO AMEND AND STAY OF ORIGINAL 28 U.S.C. § 2255 MOTION, pursuant to Fed. R. Civ. P. 15 in conformity with R. Governing §2255 Proc. 12, was placed in the institutional mailbox first class prepaid postage pursuant to Houston v Lack, 487 US 266, "Pro Se Prisoners...notices are to be considered filed at the moment of delivery to prison authorities".



Emily Louise Hernandez-Stepney
Pro Se Prisoner/Petitioner

8-5-19

Date